

WILLIAM EDWARD FISHER,)
)
Plaintiff,)
)
vs.) **Case No. 4:18-CV-1814 PLC**
)
NANCY A. BERRYHILL,)
Deputy Commissioner of Operations,)
Social Security Administration,)
)
Defendant.)

This case is before the Court on Defendant Nancy A. Berryhill’s motion to reverse the decision of the administrative law judge (ALJ) and remand the case to Defendant pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). [ECF No. 18] Plaintiff did not file a response.

On May 1, 2019, Defendant filed the instant motion to reverse and remand the case to Defendant for further action under 42 U.S.C. § 405(g), which permits the Court to “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). Defendant represents that, in preparing the brief in support of

Defendant's answer, agency counsel determined that "remand was appropriate for further consideration of Plaintiff's claim." Defendant states: "Upon receipt of the Court's remand order, the Appeals Council will remand this case to the Administrative Law Judge (ALJ) who will be directed to give further consideration to treatment notes instructing Plaintiff to elevate his legs and feet due to venous insufficiency" and "consider Plaintiff's substance abuse pursuant to the regulations at 20 C.F.R. § 416.935." Finally, Defendant advises the Court that the ALJ "will also be directed to give further consideration to Plaintiff's residual functional capacity (RFC), provide appropriate rationale with specific references to evidence of record in support of the assessed limitations, and to proceed as necessary in the sequential evaluation."

Based on the record, the Court grants Defendant's unopposed motion to reverse the ALJ's decision and remand this matter to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Accordingly,

IT IS HEREBY ORDERED that Defendant's unopposed motion to reverse and remand [ECF No. 18] is **GRANTED**.

A separate judgment in accordance with this Memorandum and Order is entered this same date.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 3rd day of June, 2019